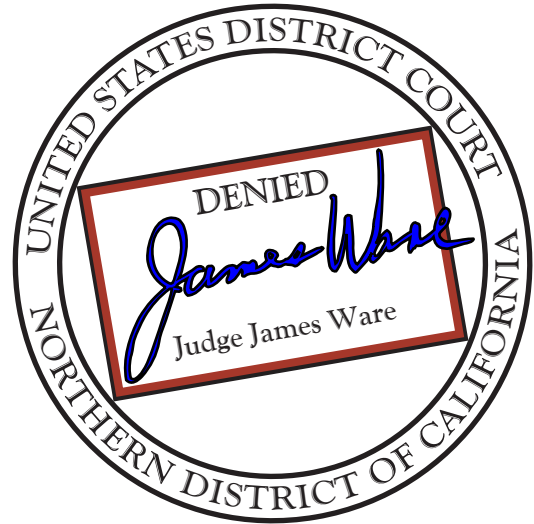


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INTEL CORPORATION
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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 SCOTT SHEPPARD and JAY FULLER,
individuals,
15 Plaintiffs/Counter-Defendants,
16
17 v.
18 INTEL CORPORATION, INC., a Delaware
Corporation,
19 Defendant/Counterclaimant.
20
21

Case No. C09 00535 (JW)

**ORDER DENYING REQUEST FOR
CONTINUANCE OF HEARING ON
MOTIONS**

22 PURSUANT TO CIVIL LOCAL RULE 6-2, THE PARTIES HEREBY
23 STIPULATE AND REQUEST, for the reasons specified in the accompanying declaration, that
24 this Court continue the hearing on (i) Plaintiffs' motion to dismiss Defendant's counter-complaint
25 for failure to join an indispensable party and (ii) Plaintiffs' motion for judgment on the pleadings
26 from Monday, September 21, 2009 at 9:00 a.m. to **Monday, September 28, 2009 at 9:00 a.m.**

27 Pursuant to Civil Local Rules 7-3(a) and (b), Defendant's statements of opposition
28 or non-opposition to both motions must be filed and served on Friday, September 4, 2009.

Pursuant to Civil Local Rule 7-3(c), Plaintiffs' reply briefs on both motions must be filed and served on Monday, September 14, 2009. The parties must file and serve any motion alerting the Court to a recent decision affecting the Two Motions by September 25, 2009.

THE PARTIES FURTHER HEREBY STIPULATE AND REQUEST, for the reasons specified in the accompanying declaration, that this Court continue the Initial Case Management Conference from Monday, September 21, 2009 at 10:00 a.m. to **Monday, September 28, 2009 at 10:00 a.m.**

The last day that the parties may meet and confer pursuant to Fed. R. Civ. P. 26(f), file an ADR Certification, and file either an ADR Stipulation or Notice of Need for ADR Phone Conference will be September 4, 2009. The parties will file a joint case management conference statement, including a discovery plan and initial disclosures, by September 18, 2009. The last date to file and serve a motion for a telephonic appearance at the initial case management conference will be September 21, 2009.

Dated: August 27, 2009

Intel Corporation

By _____/s/

James G. Kreissman

Simpson Thacher & Bartlett LLP

2550 Hanover Street

Palo Alto, California 94304

Attorneys for Defendant/Counterclaimant

Dated: August 27, 2009

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1 Scott Sheppard and Jay Fuller

2 By _____/s/_____

3 Joseph A. White

4 Fried & Bonder, LLC

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6 1230 Peachtree Street, N.E.

7 Atlanta, Georgia 30309


8 *Attorneys for Plaintiffs/Counter-defendants*

9 Dated: August 27, 2009

10
11 *** **ORDER** ***

12
13 Although the Court encourages the parties to continue their settlement efforts, the Court
14 DENIES the parties' request for a continuance of the hearing on Plaintiff's Motions currently set
15 for September 21, 2009 because the Court's September 28, 2009 will be highly impacted by any
16 additional motions at this time. In the event that the parties reach any tentative agreement and
17 wish the Court to not rule on the Motions, the parties may file a Status Report re: Settlement on or
18 before **September 16, 2009** to update the Court and make such request.
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20 Dated: September 1, 2009

21 
22 JAMES WARE
23 United States District Judge
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